

**U.S. Department of Justice**

*United States Attorney
Southern District of New York*

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March 14, 2025

Via ECF

Honorable Dale E. Ho
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Knight First Amendment Institute at Columbia Univ. v. U.S. Dep't of State et al.*,
22 Civ. 3003 (DEH)

Dear Judge Ho:

This Office represents defendants the U.S. Department of State ("State"), the U.S. Department of Homeland Security ("DHS"), and the Office of the Director of National Intelligence ("ODNI," and collectively with State and DHS, "Defendants" or the "Agencies") in the above-referenced case brought by plaintiff Knight First Amendment Institute at Columbia University ("Plaintiff") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

I write respectfully on behalf of the parties to provide a joint status update pursuant to the Court's order dated January 17, 2025, Dkt. No. 59.

As noted in the parties' last joint status report, Dkt. No. 58, Plaintiff requested additional information from the Agencies concerning certain withholdings from the records produced in response to Plaintiff's FOIA request. The Agencies have now provided responses to those requests. Plaintiff continues to review the responses that State provided on December 30, 2024, to determine if it has additional follow-up questions.

As also noted in the last status report, following discussions between the parties, DHS referred Plaintiff's FOIA request to the following DHS components: U.S. Immigration and Customs Enforcement ("ICE"), the Transportation Security Administration ("TSA"), U.S. Customs and Border Protection ("CBP"), and U.S. Citizenship and Immigration Services ("USCIS"). The status of those referrals is as follows:

- **ICE:** ICE located approximately 1,250 pages of records potentially responsive to the FOIA request. ICE issued an initial response on February 14, 2025, and a second response on March 12, 2025. ICE has now completed its processing of records responsive to the request. ICE also sent certain records to DHS for consultations or referrals that have not yet been returned.
- **TSA:** In reviewing the set of records it had previously gathered, TSA determined that it needs to conduct additional searches to determine whether responsive records exist

in offices within TSA that were not previously searched. TSA intends to conduct these additional searches in the next 30 days. Once these searches are complete, it will provide Plaintiff with a revised page count of potentially responsive records and propose a processing schedule to Plaintiff.

- **CBP:** CBP located approximately 1,000 pages of potentially responsive records. CBP intends to complete its processing and production of responsive, nonexempt records by March 31, 2025, subject to the need for external consultations or referrals to other agencies or components.
- **USCIS:** USCIS located approximately 3,000 pages of potentially responsive records, after reducing the initial search returns to remove certain nonresponsive and duplicative records. The parties have agreed to further reduce the volume of potentially responsive records by excluding draft sections of the report at issue in the FOIA request from processing. USCIS intends to review these records at a rate of 500 pages per month until completion of processing, and plans to issue an initial response in the next 30 days.

Pursuant to the Court's January 17 order, the parties will provide another status update in 60 days, by May 13, 2025. If the parties reach an impasse regarding a production schedule or other issues, they will advise the Court of their respective positions and seek a determination from the Court.

We thank the Court for its consideration of this matter.

Respectfully submitted,

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cc: Counsel of record (via ECF)